

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

COURT MINUTES

UNITED STATES OF AMERICA

v.

**COUNSEL-ONLY STATUS CONFERENCE
(By Telephone)**

**JOHN D. WHELAN (1)
TINA MONTEZON (2)**

Case No. 21-cr-0005

HONORABLE BRETT H. LUDWIG presiding
Proceeding Held: June 26, 2023
Deputy Clerk: Julie D.

Time Called: 2:32 p.m.
Time Concluded: 2:58 p.m.
Tape: 94

Appearances:

UNITED STATES OF AMERICA by:

Julie F. Stewart
Kevin C. Knight

JOHN D. WHELAN by:

Meggan B. Sullivan
Ronald W. Chapman, II

TINA MONTEZON by:

Jonathan C. Smith

The Court summarized the procedural history of the case and noted that the evaluation submitted by Sara J. Swanson, Ph.D. has been filed under seal. All parties agreed that today's counsel-only status conference does not need to be sealed. With the consent of all parties, the Court scheduled a competency hearing regarding Defendant Whelan for **August 18, 2023 at 1:00 p.m.** Neither Defendant Montezon nor her counsel are required to attend the hearing. The Court indicated it would have rescheduled the hearing to accommodate Montezon and her counsel if requested, but counsel confirmed this was unnecessary. By the close of business on August 11, 2023, counsel for the government and counsel for Defendant Whelan must submit simultaneous briefs on: (1) the timeliness of the defendant's invocation of the insanity defense; and (2) each party's view of the law and evidence on Defendant Whelan's competency to stand trial under 18 U.S.C. §4241.

In the event the Court finds Defendant Whelan competent, the Court also scheduled the case for a 7-day jury trial to begin on **October 16, 2023**, in Courtroom 320, 517 E. Wisconsin Ave., Milwaukee, Wisconsin. A final pretrial conference is set for **October 5, 2023, at 10:00 a.m.** in Courtroom 320. The Court will issue an

Amended Criminal Pretrial Order. If the Court determines that Defendant Whelan is not competent, the Court will discuss new deadlines with the parties.

The Court made a finding under the Speedy Trial Act. The period of time from 6/26/2023 to 10/16/2023 is deemed excludable.